

**MINUTES OF THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**November 27, 2000**

## DIVISION ONE

B136005 Malone (Certified for Publication)  
v.  
Equitas Reinsurance Limited

Filed order modifying opinion & order certifying opinion. (No change in the judgment)

B137529 People (Not for Publication)  
v.  
Cida

The judgment is affirmed.

Mallano, J.

We concur: Ortega, Acting P.J.  
Vogel (Miriam A.), J.

B134895      CD Investment Company et al.      (Certified for Publication)  
v.  
California Insurance Guarantee Association

The judgment is reversed. Appellants are entitled to costs on appeal.

Mallano, J.

We concur: Ortega, Acting P.J.  
Vogel (Miriam A.), J.

DIVISION ONE (Continued)

B138824      Home Budget Loans                      (Not for Publication)  
                 v.  
                 Great Pacific Insurance Company

The judgment is reversed. Great Pacific Insurance Company is entitled to costs on appeal.

Mallano, J.

We concur:    Spencer, P.J.  
                         Ortega, J.

B138804      Los Angeles County, D.C.F.S.  
                 v.  
                 Darla B., et al.

Filed order certifying opinion for publication.

DIVISION TWO

B134790      People    (Not for Publication)  
                 v.  
                 Wang

The judgment is affirmed.

Boren, P.J.

We concur:    Cooper, J.  
                         Todd, J.

## DIVISION TWO (Continued)

B142439 People (Not for Publication)  
v.  
Helecia Sharnel C.

The order under review is affirmed.

Boren, P.J.

We concur:   Nott, J.  
                      Cooper, J.

B136516 People (Not for Publication)  
v.  
Mays

The matter is remanded for a hearing as to the constitutional validity of appellant's prior convictions and, should one or more of the prior convictions be found to be constitutionally invalid, for resentencing. In all other respects, the judgment is affirmed.

Boren, P.J.

We concur: Nott, J.  
Cooper, J.

B131959 People (Not for Publication)  
v.  
Gaddy

The judgment is modified to reflect 244 days of actual precommitment custody credit and 122 days of precommitment conduct credit, for a total of 366 days of precommitment credit. In all other respects, the judgment is affirmed.

Boren, P.J.

We concur:   Nott, J.  
                      Todd, J.

## DIVISION TWO (Continued)

B132336      Holder      (Not for Publication)  
v.  
City of Pasadena et al.

The judgment is reversed. The case is remanded to the trial court for further proceedings in accordance with this opinion. Appellant is entitled to recover his costs on appeal from the respondents.

Boren, P.J.

We concur:   Nott, J.  
                      Todd, J.

B131374      Pineda                                  (Not for Publication)  
v.  
Palomo et al.

The order under review is affirmed. Defendants are entitled to their costs on appeal.

Boren, P.J.

We concur: Cooper, J.  
Todd, J.

### DIVISION THREE

B132693 Wright (Not for Publication)  
v.  
Transamerica Occidental Life Insurance Co., et al.

The judgment is reversed as to Wright's cause of action for fraud and is otherwise affirmed. Wright to recover costs on appeal.

Klein, P.J.

We concur:   Kitching, J.  
                      Aldrich, J.

## DIVISION FOUR

B138426 People (Not for Publication)  
v.  
Cleveland

The judgment is affirmed.

Vogel (C.S.), P.J.

We concur: Epstein, J.  
Hastings, J.

B131207 People (Not for Publication)  
v.  
Murillo

The judgment is reversed to permit a retrial before a properly instructed jury.

Vogel (C.S.), P.J.

We concur: Hastings, J.  
Curry, J.

B118991 People (Not for Publication)  
v.  
Hypolite

The clerk of the superior court is directed to prepare and forward to the Department of Corrections a modified abstract of judgment which: (1) strikes the Penal Code section 12022.8 finding and ensuing five-year enhancement and (2) substitutes in its place a finding pursuant to Penal Code section 12022.7 and a three-year enhancement which shall be stayed. As so modified, the judgment is affirmed.

Vogel (C.S.), P.J.

We concur: Epstein, J.  
Curry, J.

## DIVISION FOUR (Continued)

B132346 People (Not for Publication)  
v.  
Guerrero

For the foregoing reasons, the order denying appellant's petition for writ of error coram nobis is affirmed.

Vogel (C.S.), P.J.

We concur: Epstein, J.  
Hastings, J.

B138646 Canyon Homeowners Association et al. (Not for Publication)  
v.  
City of Los Angeles  
MH Holdings II H, LLC

We affirm the judgment but remand the cause to the superior court with directions to modify the writ of mandamus to require, without condition, that the BZA vacate its order awarding a variance to MH Holdings. Plaintiffs are awarded costs on appeal.

Vogel (C.S.), P.J.

We concur: Hastings, J.  
Curry, J.

B125408 James S. Louie et al. (Certified for Partial Publication)  
v.  
Gdowski

The judgment is reversed to permit retrial before a properly instructed jury. Appellant Diana Gdowski to recover her costs on appeal.

Vogel (C.S.), P.J.

We concur: Hastings, J.  
Curry, J.

## DIVISION FOUR (Continued)

B134294      Young                          (Not for Publication)  
v.  
Yuh

The judgment dismissing the action based on the sustaining of the demurrer is reversed and the matter is remanded to the trial court for further proceedings. The appeal by defendant of the order denying her motion for attorney fees is dismissed as moot. Costs are awarded to plaintiff.

Vogel (C.S.), P.J.

We concur: Epstein, J.  
Hastings, J.

B135574 Jones (Not for Publication)  
v.  
Ehretz

The judgment is affirmed. Plaintiff is awarded his costs on appeal.

Vogel (C.S.), P.J.

We concur: Hastings, J.  
Curry, J.

DIVISION FIVE

B138210      People  
v.  
Christopher Torres

Filed order denying petition for rehearing.

DIVISION SIX

B136974 People (Not for Publication)  
v.  
Rodriguez

The judgment is affirmed.

Yegan, Acting P.J.

We concur: Coffee, J.  
Perren, J.

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The judgment is affirmed.

Coffee, J.

We concur: Gilbert, P.J.  
Perren, J.

B141553 People (Not for Publication)  
v.  
Morales

The judgment is affirmed.

Yegan, J.

We concur: Gilbert, P.J.  
Perren, J.



November 27, 2000-Continued

DIVISION SIX (Continued)

B130049 People (Not for Publication)  
v.  
Cabanillas

The judgment is affirmed.

Coffee, J.

We concur: Yegan, Acting P.J.  
Perren, J.